

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

JAMES HARDIN,

Plaintiff,

v.

ALPINE POWER SYSTEMS, INC.,

Defendant.

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CASE NO.: 2:12-CV-02546

NOTICE OF REMOVAL

1. On June 5, 2012, Plaintiff, James Hardin, (hereinafter referred to as “Plaintiff”) commenced an action against Defendant Alpine Power Systems, Inc. (hereinafter “Defendant”) entitled James Hardin v. Alpine Power Systems, Inc., Case No. CT-002467-12, in the Circuit Court for Shelby County, Tennessee. A copy of all documents filed to date in the state court action, including Plaintiff’s Complaint (hereinafter, “Complaint”) and Summons, are attached collectively hereto as Exhibit A.

2. The Complaint and Summons constitute all process, pleadings and orders served on the Defendant to date. As such, other than Plaintiff’s Complaint, no proceedings have been had in this matter.

3. This Notice of Removal is filed within thirty (30) days of Defendant’s receipt of a copy of the Complaint and Summons pursuant to 28 U.S.C. 1446(b).

4. The above-described action is one of which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one that may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441, in that it is a civil action between citizens of different states, as more fully shown below,

and because the amount in controversy is \$200,000, which exceeds the sum or value of \$75,000, exclusive of interest and costs. (See Complaint Prayer.)

- a. Upon information and belief, and as confirmed by Plaintiff's Complaint, Plaintiff was at the time this action commenced a resident of Dyer County, Tennessee. (See Complaint ¶ 1.)
- b. At the time the Complaint was filed, and at all times since, including at the time of this Notice of Removal, Defendant Alpine Power Systems, Inc. was and is a corporation incorporated in the State of Michigan with its principal place of business in Michigan.
- c. In the Complaint, Plaintiff asserts a claim for civil damages arising out of alleged retaliatory discharge in violation of Tenn. Code Ann. § 50-6-114. (See Complaint, generally.)
- d. In the Complaint, Plaintiff states that it seeks damages against the Defendant for back pay, compensatory damages, front pay, and punitive damages, and "further and general relief of a legal or equitable nature to which James Hardin may be entitled." (See Complaint Prayer.)
- e. For the reasons and facts stated herein, there is complete diversity of the parties under 28 U.S.C. § 1332(a), and the amount in controversy, excluding interest and costs, exceeds \$75,000.00, making removal of this action to federal court proper under 28 U.S.C. § 1441(a).

5. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the Western District of Tennessee is the federal district court for the district and division embracing the place where the state court action is pending.

6. Defendants state that a true and correct copy of this Notice of Removal is being filed with the Clerk of the Circuit Court for Shelby County, Tennessee, promptly after the filing of this Notice of Removal, and written notice of the removal is being provided to Plaintiff's counsel, as required by 28 U.S.C. § 1446(d). A copy of the Notice of Removal being filed in state court is attached hereto as Exhibit B.

7. By filing this Notice of Removal, Defendant does not concede that Plaintiff is entitled to any of the damages sought, including those damages referenced herein.

9. By filing this Notice of Removal, Defendant has not and does not waive any defenses they might assert or their right to bring any application anywhere in relation to this litigation or its subject matter.

10. Defendant reserves the right to provide additional/supplemental evidence regarding the Defendant's residency and/or the amount in controversy.

WHEREFORE, Defendant prays that this action be removed to this Court and this Court accept jurisdiction of this action in its entirety and henceforth that this action be placed on the docket of the Court for further proceedings, the same as though this action had been initially instituted in this Court.

Respectfully submitted this 6th day of July, 2012.

**WIMBERLY LAWSON WRIGHT DAVES
& JONES, PLLC**

/s Fred J. Bissinger

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Attorneys for Defendant, Alpine Power Systems, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing **NOTICE OF REMOVAL** by delivery through the United States mail to Plaintiff's attorney of record at the following address:

***Dean P. Dedmon, BPR No. 17949
W. Lewis Jenkins, Jr., BPR No. 17423
Wilkerson Gauldin Hayes Jenkins & Dedmon
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Tel. (731) 286-2401 / Fax (731) 286-2294***

This 6th day of July, 2012.

/s Fred J. Bissinger

Fred J. Bissinger